



27805

PATENT TRADEMARK OFFICE

Docket No. 632898-042

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the invention entitled:

**COMPOSITION AND METHOD FOR ENHANCING THE BIOAVAILABILITY OF
CALCIUM AND MAGNESIUM IN DIETARY SUPPLEMENTS AND FOOD
ADDITIVES**

described and claimed

X in the attached specification;
 in the specification filed _____,
as U.S. Application Serial No. _____,
and as amended _____.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims as filed and as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

PRIORITY CLAIM

I hereby claim foreign priority benefits under title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application(s) for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)Priority Claimed

Number	Country	Day/Mo/Yr	Yes	No
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Number	Country	Day/Mo/Yr	Yes	No
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I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

Application No. 60/409,151	Filing Date September 9, 2002
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Declaration and Power of Attorney

Attorney Docket No. 632898-042

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I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial No.	Filing Date	Status
Application Serial No.	Filing Date	Status

I appoint

Theodore D. Lienesch	Reg. No. 28,235
Mark P. Levy	Reg. No. 27,922
Douglas E. Erickson	Reg. No. 29,530
James R. Eley	Reg. No. 36,790
Michael J. Nieberding	Reg. No. 39,316
Steven J. Elleman	Reg. No. 41,733
John M. Mueller	Reg. No. 44,248
John F. Kane	Reg. No. 44,815
Rose Ann Dabek	Reg. No. 28,064
Jeffrey C. Metzcar	Reg. No. 52,207
Michael A. Forhan	Reg. No. 46,706

my attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith. Address all telephone calls to (937) 443-6958. Address all correspondence to: Thompson Hine LLP, 2000 Courthouse Plaza N.E., 10 W. Second Street, Dayton, Ohio 45402-1758, Attention: Theodore D. Lienesch.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Declaration and Power of Attorney

Attorney Docket No. 632898-042

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Full name of sole or first Inventor – David B. Wiley

Inventor's Signature _____ Date _____

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Full name of second Inventor – Thomas A. Dobbins

Inventor's Signature _____ Date _____

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